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March 3, 2020

By Hand

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, NY 10007

Re: Maplewood at Upper East Side LLC, v. Sendyk, et. al,  
Docket No. 17-cv-02914

Dear Judge Hellerstein:

This firm represents plaintiff Maplewood at Upper East Side, LLC. We received notice that this case, which was originally before the Honorable Deborah A. Batts, has recently been assigned to your Honor. We write to request that the Court schedule the initial Rule 16 court conference in this matter.

While this case has been pending for almost three years, no preliminary conference has taken place. As a brief summary of what has occurred to date, Plaintiff filed its complaint in April 2017 and then filed an amended complaint in May 2017. (ECF Docket Nos. 1 & 17). All of the defendants then answered Plaintiff's amended complaint or had a default judgment entered against them. *See* ECF Docket Nos. 33 (answer of Mala Sendyk, as Administrator of the Estate of Benjamin Sendyk), 35 (answer of Sharon Sendyk, as Administrator of the Estate of Benjamin Sendyk); 79 (default judgment against defendant Interiors by B&H, Inc.); and 87 (default judgment against defendant 1808 2nd Realty LLC). The remaining direct defendant, Chicago Title Insurance Company, was voluntarily dismissed by Court ordered stipulation (ECF Docket No. 88).


Defendant Sharon Sendyk commenced a third party action against third party defendants Larry Gallus and Leonard Rodney, Esq. In lieu of an answer, Mr. Gallus filed a motion to dismiss the third party complaint on August 21, 2017. Judge Batts would not schedule the Rule 16 conference until she had ruled on this motion. By Order dated July 2, 2019, Judge Batts denied that motion in part and directed Mr. Gallus to answer. (ECF Docket No. 90). Both Mr. Rodney and Mr. Gallus have now answered the third party complaint. (*See* ECF Docket Nos. 52 & 91). Judge Batts initially scheduled the Rule 16 conference for December 5, 2019, but then adjourned it to January 16, 2020 and then again to April 16, 2020.

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The parties have held their Rule 26 conference, exchanged initial disclosures and filed a discovery plan with the Court. (*See* ECF Docket No. 98). Pursuant to that plan, fact discovery is to close on May 1, 2020, and expert discovery is to be completed by June 15, 2020.

Given the length of time this case has been pending and the upcoming deadlines for the completion of the discovery, we respectfully request that the Court set a Rule 16 conference to help facilitate discovery and possible resolution of the matter.

Respectfully submitted,



Daniel P. Waxman

cc: All counsel of record via ECF and email.